



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,352	02/02/2004	Carl E. Whitcomb	WHIT/0002.A	7661
24945	7590	10/30/2007		
STREETS & STEELE 13831 NORTHWEST FREEWAY SUITE 355 HOUSTON, TX 77040			EXAMINER NGUYEN, SON T	
			ART UNIT 3643	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

10770 352

EXAMINER

ART UNIT

PAPER

20071024

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

In view of the Reply Brief filed 7/5/06 and the Board's remand filed 7/11/07, the 35 U.S.C. 112 first paragraph (answer 3) has been withdrawn. The argument regarding the root-tip-trapping concept provided in the Reply Brief is persuasive, thus, the Examiner is withdrawing the 112 1st rejection. The Answer will be forwarded to the Board for a decision.

/Son T. Nguyen/
Primary Examiner
AU3643